

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK BOWERS and
GERALD RENAUD

Plaintiff,

vs.

Case No. 08-cv-14134

Judge: Bernard Friedman

Magistrate: Donald A. Scheer

LIVINGSTON COUNTY JAIL and
SHERIFF BOB BEZOTTE,

Defendants.

ELIAS MUAWAD (P41632)

Attorney for Plaintiff

36700 Woodward Ave., Ste. 209

Bloomfield Hills, MI 48304

(248) 594-4700

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.

By: **T. JOSEPH SEWARD** (P35095)

MELISSA P. STEWART (P70171)

Attorneys for Defendants

33900 Schoolcraft

Livonia, MI 48150

(734) 261-2400

**DEFENDANTS' MOTION FOR LEAVE TO TAKE VIDEO DEPOSITION OF
PLAINTIFF MARK BOWERS PURSUANT TO FED. R. CIV. P. 30(a)(2)(B)**

NOW COME the Defendants, LIVINGSTON COUNTY JAIL and LIVINGSTON COUNTY SHERIFF BOB BEZOTTE, by and through their attorneys, CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C., and for their Motion to Take Video Deposition of Plaintiff Mark Bowers, state as follows:

1. This action arises out of a claim by Plaintiff Mark Bowers that while being held as a pre-trial detainee in the Livingston County Jail beginning in July of 2007, he contacted Methacillin Resistant Staph Aurous (MRSA).

2. On September 24, 2008, Plaintiff filed suit against the Livingston County Jail and Livingston County Sheriff Bob Bezotte, alleging violations of the Eighth and Fourteenth Amendments under 42 U.S.C. § 1983 for Individual Liability (Count I), Supervisory Liability (Count II), and Municipal Liability (Count III). (See Complaint, Dkt. # 1).

3. In the interim, Plaintiff Bowers was convicted of assault with intent to do great bodily harm less than murder on February 14, 2008, and he is currently serving his sentence at the Straits Correction Facility in Kincheloe, Michigan.

4. As part of the preparation of its defense, Defendants wish to take the deposition of Plaintiff Bowers.

5. Pursuant to Fed. R. Civ. P. 30(a)(2)(B), counsel must obtain leave from the court to take a deposition "if the deponent is confined in prison."

6. Because Plaintiff is an incarcerated individual, Defendants request that this honorable Court enter an Order allowing defense counsel to take the videotaped deposition of Plaintiff Bowers on FRIDAY, May 29, 2009 at 1 p.m. at the Straits Correction Facility in Kincheloe, Michigan, or whatever Michigan correctional facility Plaintiff Bowers is incarcerated on that date.

WHEREFORE, Defendants Livingston County Jail and Livingston County Sheriff Bob Bezotte respectfully request that this Honorable Court GRANT their Motion for Leave to Take Video Deposition of Plaintiff Mark Bowers pursuant to Fed. R. Civ. P. 30(a)(2)(B).

Respectfully submitted,

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.

By: /s/ T. Joseph Seward
T. JOSEPH SEWARD (P35095)
MELISSA P. STEWART (P70171)
33900 Schoolcraft
Livonia, MI 48150
(734) 261-2400
tjseward@cnda-law.com
Attorneys for Defendant

DATED: April 23, 2009

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MARK BOWERS and
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36700 Woodward Ave., Ste. 209

Bloomfield Hills, MI 48304

(248) 594-4700

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By: **T. JOSEPH SEWARD** (P35095)

MELISSA P. STEWART (P70171)

Attorneys for Defendants

33900 Schoolcraft

Livonia, MI 48150

(734) 261-2400

**DEFENDANTS' BRIEF IN SUPPORT OF THEIR MOTION
FOR LEAVE TO TAKE VIDEO DEPOSITION OF PLAINTIFF
MARK BOWERS PURSUANT TO FED. R. CIV. P. 30(a)(2)(B)**

NOW COME the Defendants, LIVINGSTON COUNTY JAIL and LIVINGSTON COUNTY SHERIFF BOB BEZOTTE, by and through their attorneys, CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C., and for their Brief in Support of their Motion to Take

Video Deposition of Plaintiff Mark Bowers rely upon Fed. R. Civ. P. (30)(a)(2)(B) and the facts set forth in the foregoing Motion.

Respectfully submitted,

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.

By: /s/ T. Joseph Seward
T. JOSEPH SEWARD (P35095)
MELISSA P. STEWART (P70171)
33900 Schoolcraft
Livonia, MI 48150
(734) 261-2400
tjseward@cnda-law.com
Attorneys for Defendant

DATED: April 23, 2009

I hereby certify that on April 23, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: ELIAS MUAWAD.

s/T. Joseph Seward
Cummings, McClorey, Davis & Acho, P.L.C.
33900 Schoolcraft
Livonia, MI 48150
Phone: (734) 261-2400
Primary E-mail: tjseward@cnda-law.com
P 35095